

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

1:04 PM

LYNDA HILLIARD,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,
a foreign corporation,

Defendant.

Case No. 20CV19248

SUMMONS

TO: C T Corporation System - Registered Agent
Costco Wholesale Corporation
780 Commercial St SE, Suite 100
Salem, OR 97301

You are hereby required to appear and defend the complaint filed against you in the above-entitled action within thirty (30) days from the date of service of the summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 685-4763 or toll-free in Oregon at (800) 452-7636.

Signature of Attorney/Author for Plaintiff

James V. Usera

054012

Attorney of Record for Plaintiff

Bar No. (if any)

(typed or printed)

5778 Commercial Street SE

Address

Salem

Oregon

97306

(503) 378-7744

City

State

Zip

Phone

Trial Attorney if Other Than

Bar No. (if any)

Above (typed or printed)

STATE OF OREGON

}

} ss.

County of Marion

}

I, the undersigned am of the attorneys of record for the plaintiff and certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

Attorney of Record for Plaintiff

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: *You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service which you shall attach hereto.*

Attorney of Record for Plaintiff

5/28/2020 3:13 PM
20CV19248

A TRUE COPY


IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

LYNDA HILLIARD,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,
a foreign corporation,

Defendant.

Case No. 20CV19248

COMPLAINT (Personal Injury)

Not Subject to Mandatory Arbitration
(Prayer: \$350,000)

Jury Trial Requested

Fee Authority: ORS 21.160(1)(c); \$594

COMES NOW plaintiff Lynda Hilliard (hereinafter "Plaintiff"), by and through her attorneys and alleges as follows:

1.

The Plaintiff is an individual residing in Tigard, Washington County, Oregon.

2.

Defendant Costco Wholesale Corporation (hereinafter "Costco") is a foreign corporation which is authorized to and does conduct regular and sustained business activities throughout Oregon, including Multnomah County. Costco operates as a wholesale and retail based membership club.

3.

Costco operates a retail warehouse, which includes an automotive tire center, located at 7850 SW Dartmouth St., Tigard, Oregon.

1 4.

2 On or about June 2, 2018, the Plaintiff entered the Costco tire center pursuant to her
3 membership with Costco and was a business invitee.

4 5.

5 As the Plaintiff walked through the retail tire center an employee of Costco, who was
6 behind several stacks of tires, threw an automotive tire over the stack of tires and struck Plaintiff
7 in the head knocking her to the ground.

8 6.

9 At the time of the event described above, Costco was negligent in one or more of the
10 following particulars:

- 11 a). In allowing its employee to throw tires in a retail space when it knew, or in the
12 exercise of reasonable care, should have known that patrons, such as the plaintiff,
13 would be walking in the area and could be struck by a flying tire;
- 14 b). In failing to instruct its employees to refrain from throwing tires in the retail space
15 during business hours;
- 16 c). In failing to warn patrons, such as the plaintiff, that tires would be thrown about
17 the retail space;
- 18 d). In throwing tires while patrons, such as the plaintiff, were walking around the retail
19 space without first ensuring that such activity could be performed safely.

20 7.

21 Costco's conduct, through its employees actions, constituted a reckless and outrageous
22 indifference to a highly unreasonable risk of harm and further constituted a conscious indifference
23 to the health, safety and welfare of others, including the plaintiff.

8.

As a direct and proximate result of Costco's negligence and recklessness as set forth above, the Plaintiff sustained the following foreseeable severe and disabling injuries:

- a). A traumatic brain injury;
- b). Post-concussion syndrome;
- c). Cervical spine and spinal area injuries;
- d). Left shoulder injury;
- e). Headaches;
- f). Anxiety and depression; and
- g). Tinnitus.

9.

Some or all of the injuries the Plaintiff suffered may have been made more severe on account of one or more pre-existing infirm bodily conditions; or, in the alternative, caused aggravations of pre-existing conditions.

10.

As a direct and proximate result of Costco's negligence and recklessness as set forth above, and the Plaintiff's injuries set forth above, the Plaintiff has suffered and will continue to suffer pain, soreness, discomfort, fatigue, and limitations to her normal activities of daily living and is entitled to non-economic damages in a reasonable amount not to exceed \$300,000.

11.

As a further direct and proximate result of Costco's negligence and recklessness, the Plaintiff has incurred reasonable and necessary expenses for medical and health care in the approximate sum of \$25,000, the exact amount to be interlineated prior to trial. The Plaintiff will require additional medical care in the future to her economic damage currently estimated to be in

1 the sum of \$20,000.

2 12.

3 As a further direct and proximate result of Costco's negligence and recklessness, and as a
4 result of the Plaintiff's injuries, plaintiff missed work and, accordingly, lost wages in the
5 approximate sum of \$5,000.

6 13.

7 The Plaintiff reserves the right to amend her complaint to add a claim for punitive
8 damages.

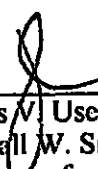
9 14.

10 The Plaintiff demands a jury trial.

11 WHEREFORE, Plaintiff Lynda Hilliard prays for judgment in her favor and against
12 Defendant Costco Wholesale Corporation as follows:

- 13 a. For non-economic damages in the sum of \$300,000.
- 14 b. For economic damages in the approximate sum of \$25,000 for reasonable and
15 necessary medical expenses incurred to date;
- 16 c. For economic damages in the sum of \$5,000 for lost wages;
- 17 c. For Plaintiff's costs and disbursements incurred herein; and
- 18 d. For such other relief as the court finds to be just and equitable.

19 DATED this 28th day of May, 2020.

20 
21 James V. Usera, OSB No.: 054012
22 Randall W. Snow, OSB No.: 075230
23 Attorneys for Plaintiff Lynda Hilliard
24
25



**Service of Process
Transmittal**

06/05/2020

CT Log Number 537750517

TO: Laura Aznavoorian, Litigation Supervisor
Gallagher Bassett Services, Inc.
1901 S. Meyers Rd, Suite 200C
Oakbrook Terrace, IL 60181

RE: Process Served in Oregon

FOR: Costco Wholesale Corporation (Domestic State: WA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Lynda Hilliard, Pltf. vs. Costco Wholesale Corporation., etc., Dft.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 20CV19248

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Salem, OR

DATE AND HOUR OF SERVICE: By Process Server on 06/05/2020 at 15:07

JURISDICTION SERVED : Oregon

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 06/05/2020, Expected Purge Date: 06/20/2020

Image SOP

Email Notification, Laura Aznavoorian laura_aznavoorian@gbtpa.com

Email Notification, Zois Johnston zjohnston@costco.com

Email Notification, Maureen Papier maureen_papier@gbtpa.com

SIGNED: C T Corporation System

ADDRESS: 1999 Bryan Street
Suite 900
Dallas, TX 75201

For Questions: 866-665-5799
SouthTeam2@wolterskluwer.com